

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

It is respectfully acknowledged that claims 1, 2 and 10 were indicated as being allowed.

This amendment amends claims 3, 5, 11, 14, and 15 and deletes claims 7 and 8. The amendments to claims 5, 14, and 15 and the cancellation of claims 7 and 8 overcome the 35 U.S.C. §112, second paragraph, indefiniteness rejection.

Claim 3 has been amended to recite that the housing for a variable displacement hydraulic pump comprises multiple external surfaces and includes at least three case drain orifices, with at least two differing ones of the external surfaces having at least one of the at least three case drain orifices.

Claim 3 stands rejected as anticipated by Schroeder et al., U.S. Patent No. 5,845,599. Claim 3, as amended, patentable defines over Schroeder et al. Specifically, Schroeder et al. fails to teach or suggest a housing having at least three case drain orifices. Therefore, allowance of claim 3 is respectfully requested.

Claims 4-6 and 9 depend from claim 3 and are allowable for at least the same reasons as claim 3. Therefore, allowance of claims 4-6 and 9 are respectfully requested.

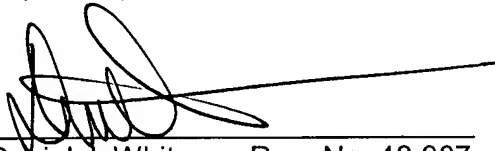
Claim 11 also has been amended to recite a hydraulic pump housing having at least three case drain orifices. Therefore, claim 11 is allowable for reasons similar to those set forth with regard to claim 3.

Claims 12-15 depend from claim 11 and are allowable for at least the same reasons as claim 11. Therefore, allowance of claims 12-15 are respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 16-0325

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel J. Whitman', is written over a horizontal line.

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